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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LEONARD P. SULLIVAN, SR.,

2:13-CV-120 JCM (NJK)

Plaintiff(s),

v.

NEVADA DEPT OF
ADMINISTRATION, et al.,

Defendant(s).

ORDER

Presently before the court is a referral notice from the Ninth Circuit. (Doc. # 11).

Plaintiff sued defendants, Georganne W. Bradley and the Nevada Department of Administration (“NVDA”) for violations of his civil rights under the Fourteenth Amendment. Bradley is an administrative hearing officer Nevada Department of Administration. Plaintiff alleges that actions taken by Bradley and the NVDA during the course of denying his claim for worker’s compensation violated his constitutional rights. Magistrate Judge Koppe properly screened the *in forma pauperis* complaint and issued a report and recommendation. (Doc. # 3). Plaintiff filed objections. (Doc. # 4). This court considered the objections and dismissed the complaint and action with prejudice. (Doc. # 6). The instant appeal followed. (Doc. # 11).

The court finds that the appeal is not taken in good faith and that the appeal is frivolous. The magistrate judge and this court dismissed plaintiff’s claims against Bradley and the NVDA on the bases of judicial immunity and state sovereign immunity. Plaintiff’s claims against Bradley are

1 foreclosed, as the doctrine of judicial immunity protects Bradley from suit for actions taken in her
2 capacity as an administrative hearing officer. *Romano v. Bible*, 169 F.3d 1182, 1186 (9th Cir. 1999);
3 *See Butz v. Economou*, 438 U.S. 478, 512-13 (1978). Plaintiff's claims against the NVDA are barred
4 by the Eleventh Amendment. U.S. Const. amend. XI; *Alabama v. Pugh*, 438 U.S. 782, 782 (1978).¹

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that, in response to the Ninth
7 Circuit's referral notice (Doc. # 11), the court certifies that the appeal is frivolous and not taken in
8 good faith.

9 DATED August 23, 2013.

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12 **UNITED STATES DISTRICT JUDGE**

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27 ¹ The appellate court, however, may grant in forma pauperis status on appeal. *See O'Neal v. Price*, 531 F.3d
28 1146, 1149 (9th Cir. 2008) ("[S]ubsections (a)(4) and (5) of Rule 24 of the Federal Rules of Appellate Procedure give
litigants a procedural route for challenging the trial court's certification.").